

REMARKS

Claims 1-17 are all the claims pending in the application. The Examiner rejects claims 1-6 under 35 U.S.C. §101 because the claims are directed to a recording medium storing nonfunctional descriptive material. The Examiner rejects claims 1-9 and 12-14 under 35 U.S.C. §102(e) as being anticipated by Kanazawa et al. (US 2003/0152366), and claims 10-11 and 15-17 as being unpatentable over Kanazawa in view of Ibaraki et al. (US 6,590,865).

Applicant appreciates the indication that the drawings are acceptable and that foreign priority under §119 has been acknowledged.

§ 101 Rejection

Applicants cancel claims 1-6.

§ 102(e) Rejection

Claims 1-9 and 12-14 have been rejected under 35 U.S.C. 102(e) as being anticipated by Kanazawa et al. (US 2003/0152366).

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991). Applicant respectfully traverses these rejections.

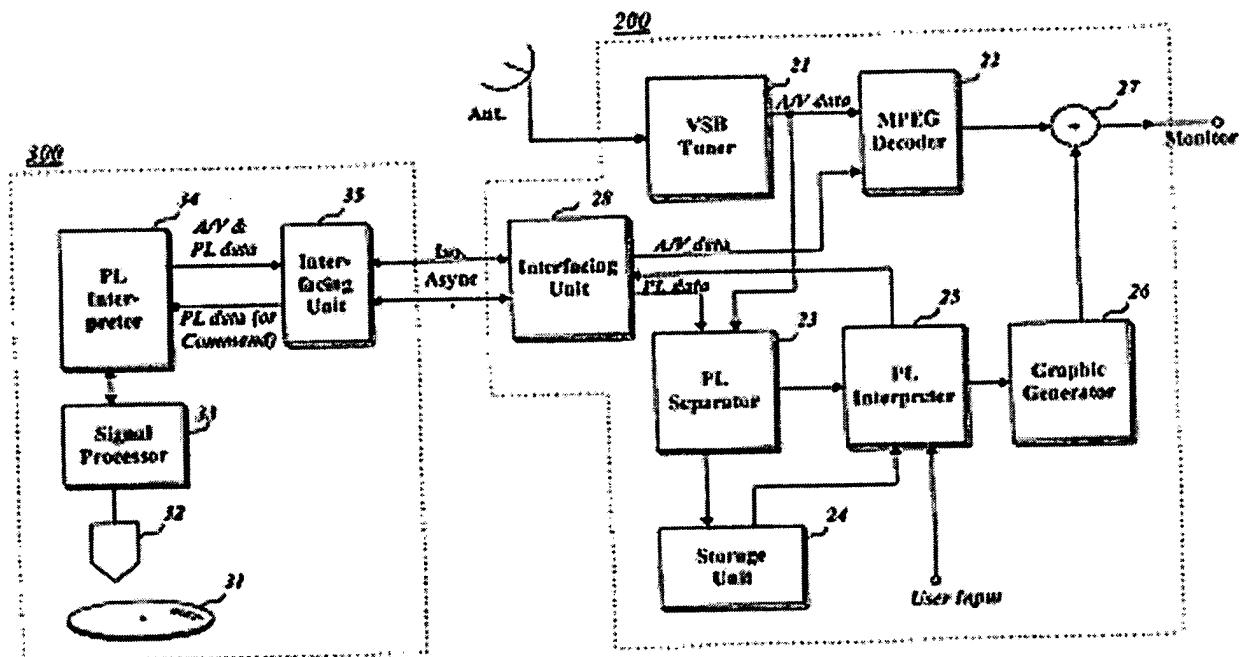
Independent claims 7 and 13:

Kanazawa is directed to a system for reproducing audio-visual (AV) information from a recorded medium, commonly a DVD, with additional information available from a network according to a user command, wherein the additional information is linked with the reproduced AV information. The recorded medium also stores an information management table containing data that links the AV information to additional data, for example, web pages on the Internet.

The present application is directed to a an optical recording apparatus and method for reproducing supplementary service information in accordance with Advanced TV Enhancement Forum (ATVEF) or Digital TV Application Software Environment (DASE) standards. Each of these standards relate to transmitting supplemental information within the TV broadcast signal. An example is the closed captioning signal presently being transmitted in a portion of the vertical blanking interval (VBI) of the present NTSC television signal. The standards specify the supplementary services use Internet Protocol Language such as HTML, Java Script, CSS, and DOM to transmit the supplementary information.

Fig. 3 of the application (shown below) is a block diagram of the optical reproducing apparatus coupled with an external apparatus (TV) for displaying the supplemental information. Fig. 3 is directed to a digital playback device coupled with a digital TV receiver.

FIG. 3



The disk device 300 includes the normal pickup device and signal processor, and also a PL (programming language) interpreter for separating the AV signals from the supplemental information containing in a programming language. The AV signals and the PL data are passed

to and received by the digital TV receiver 200 using interfacing units. The PL data is then processed and, according to user input, may be superimposed on the displayed AV information.

The Examiner cites Kanazawa, paragraphs 0161 and 0162 for teaching the limitation of discriminating between AV packet data and PL data as recited in dependent claim 8 (“checks a packet identifier ... and discriminates language-formatted data packet from audio/visual data packet based on the checked packet identifier”) and independent claim 13 (“a data separator separating the read data consisting of transport packets into audio/video data and language-formatted data, which a digital television set can interpret, based on packet identifier of each transport packet”). Paragraphs 0161 and 0162 relate to identifying a URL for downloading data from a network when an ID is provided in a navigation pack recorded on a DVD. Paragraph 0162 relates to cross referencing the ID with an entry in an information management table to locate a URL. Neither paragraph relates to or teaches discriminating between AV packet data or PL data based upon a packet identifier.

Kanazawa teaches that AV information recorded on a DVD may have a URL (or a cross reference to a URL) recorded in the navigation pack of a group of pictures (GOP), but does not teach differentiating between AV data and program-language data based upon header information. As shown in the block diagram of Kanazawa Fig. 16, a URL contained in the navigation data 301 of the AV medium is passed to the navigation manager 201 and browser 117 for retrieving an HTML file from a network server. Kanazawa does not differentiate between navigation data and presentation data, but recognizes that navigation data is always present with the presentation data, that the navigation data may contain a URL, and the URL may be used to obtain supplemental information from a network. Kanazawa does not have a PL Interpreter shown as element 34 in Fig. 3 above, and therefore does not discriminate between AV data and program language data. Kanazawa has presentation data and navigation data in each packet, therefore has no need to discriminate between packets as does the applicants’ invention. Therefore, Kanazawa does not teach this limitation.

Applicants amend claim 7 with the limitation of claim 8 and cancel claim 8.

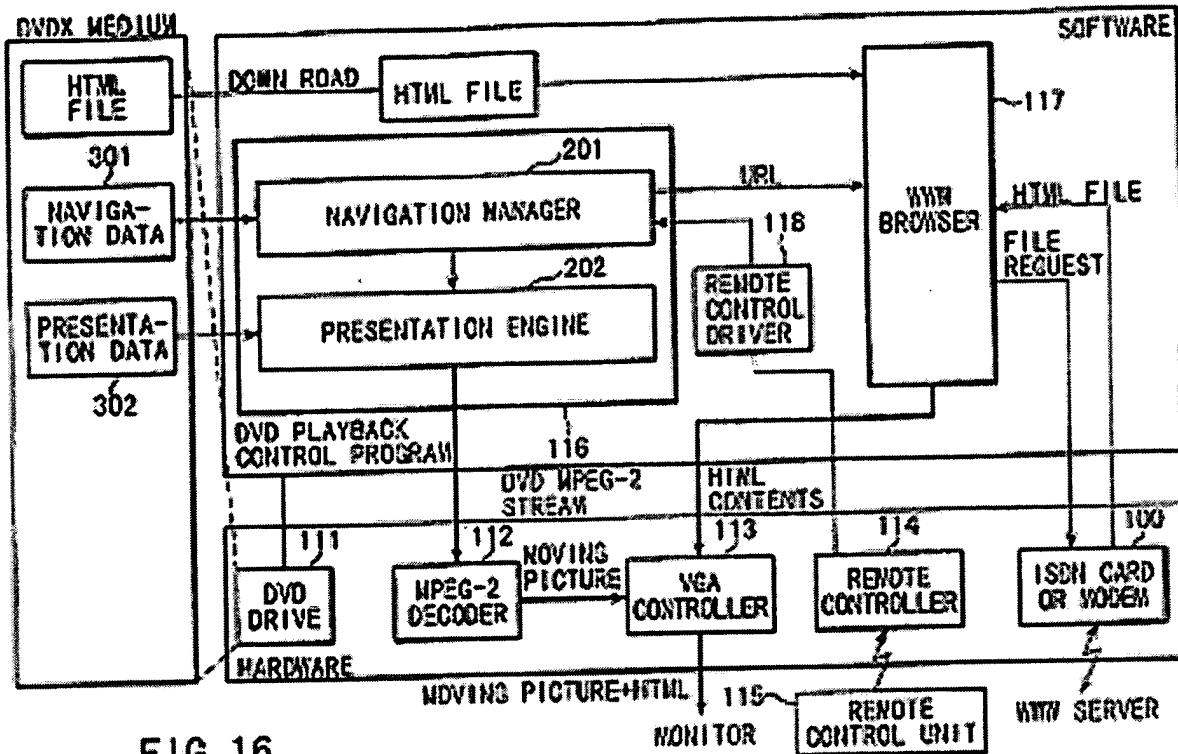


FIG. 16

Applicant respectfully submits that because Kanazawa does not teach each and every element of independent claims 7 as amended and 13, Kanazawa does not anticipate the invention of claims 7 and 13. Thus, for at least the reasons discussed above, claims 7 and 13 are allowable. Claims 9-12 and 14-17 depend from claims 7 and 13 and therefore are also allowable.

Dependent claims 9-12 and 14-17:

Each of the above listed dependent claims depends from an allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejection.

§ 103(a) Rejection

Claims 10-11 and 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa in view of Ibaraki. To establish a *prima facie* case of obviousness under 103(a), three basic criteria must be met one of which is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

Claims 10-11 and 15-17

Ibaraki teaches a conventional communications system having isochronous communications channels for transmitting data of a large capacity such as video or audio data and an asynchronous channel for transmitting data of small capacity such as command or file transfer. However, Ibaraki is silent on providing a reproducing apparatus or method for a recording medium having supplementary service information, wherein the method or apparatus has a data separator for discriminating between AV data and language formatted data reproduced from a medium based upon a packet identifier of each data packet.

The combination of Kanazawa and Ibaraki fails to teach separating the AV data and language-formatted data based upon the packet identifier. Ibaraki is completely silent on this limitation because it is directed to a communications system and not a system for reproducing AV data.

Another criterion of the *prima facie* case of obviousness is that motivation to combine references must be found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *See*, MPEP 2143.01. Nothing in Ibaraki teaches transmitting Kanazawa's navigation data (Fig. 16, 301) over a different channel than the presentation data. Navigation data is present in every one or two of Kanazawa's packets containing AV data. *See*, Kanazawa, paragraph 0114 ("URLs referring to the locations of HTML contents related to moving pictures are embedded in empty areas of navigation packs included in an MPEG-2 stream in video data units of one GOP or two GOPs.") Kanazawa does not discuss any limitations on either the navigation or presentation data channels, or the need to have them on two different types of channels. Therefore, Kanazawa does not provide motivation to combine Ibaraki's system having isochronous and asynchronous channels.

Because, neither Kanazawa nor Ibaraki, nor the combination thereof teaches all the limitations of claims 10-11 and 15-17, the *prima facie* case of obviousness fails, and claims 10-11 and 15-17 are allowable. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection.

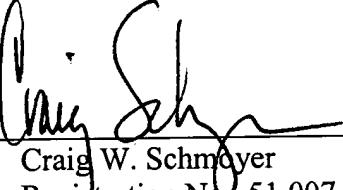
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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By: _____



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